



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

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In re application of
Gerrit A. Van Schouwenburg
Serial No. 08/716,223
Filed: November 22, 1996

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:
: DECISION ON
: PETITION

For: METHOD FOR PREPARING A COHERENT PIECE OF MEAT
FROM SMALLER PIECES OF MEAT, AND THE COHERENT
PIECE OF MEAT OBTAINED :

This is a response to the "PETITION UNDER 37 C.F.R.1.181 TO WITHDRAW ABANDONMENT OF APPLICATION", filed March 18, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of December 12, 2003, for failure to timely file a proper response to the Office letter dated on May 15, 2003 be withdrawn. The petitioner asserts that the abandonment was in error since applicant timely filed an appropriate amendment under 37 C.F.R.1.196(b) on April 18, 2003 (April 14, 2003 of the Certified Mailing date).

DECISION

The instant request is accepted as a petition under 37 C.F.R. 1.181 (no fee).

A review of the instant application file reveals the following sequence of events: 1) A Decision by the Board of Patent Appeals and Interferences was mailed on February 12, 2003, which contains a new ground of rejection pursuant to 37 CFR 1.196(b); 2) The applicant filed an amendment pursuant to 37 CFR 1.196(b)(1) on April 18, 2003; 3) A Notice of Abandonment was mailed on April 22, 2003; 4) A Notice of Rescined Abandonment was mailed on May 14, 2003; 5) An Office letter was mailed on May 15, 2003, indicating that the amendment filed April 18, 2003 was not entered according to 37 CFR 1.116(c) and 37 CFR 1.198; and 6) A Notice of Abandonment was mailed on December 12, 2003.



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A review of the instant application indicates that the applicant is entitled to submit an appropriate amendment under 37 CFR 1.196(b)(1) in response to the Decision by the Board dated February 12, 2003. The examiner's rationale for not entering the amendment of April 18, 2003 according to 37 CFR 1.116(c) and 37 CFR 1.198 stated in the Office letter of May 15, 2003 is incorrect because the instant case has not been finally decided by the Board of Patent Appeals and Interferences and the applicant's amendment of April 18, 2003 was presented pursuant to 37 CFR 1.196(b)(1). Therefore, both the Office letter of May 15, 2003 and the Notice of Abandonment of December 12, 2003 are in error.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The case will be forwarded to the Technical Support Staff for entering of the Amendment filed April 18, 2003 and then forwarded to the examiner for prompt consideration.

The instant petition was accompanied by \$130.00 as a petition fee. However, a petition of this type does not require a \$130.00 petition fee. Therefore, a refund of the \$130.00 may be obtained by directing a copy of this decision along with a written request for such a refund to the Office of Finance.

The Petition is **GRANTED**.

A handwritten signature in cursive script, appearing to read "J. Stone", is positioned above the printed name of the Director.

Jacqueline Stone, Director
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